

RENZ D. JENNINGS  
CHAIRMAN

MARCIA WEEKS  
COMMISSIONER

RL J. KUNASEK  
COMMISSIONER



0000000249

ARIZONA CORPORATION COMMISSION

DATE: JULY 25, 1995

DOCKET NO: U-2917-95-178

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer BARBARA M. BEHUN. The recommendation has been filed in the form of an Opinion and Order on:

EMILIO A. ONOFRIO AND ANTHONY J. SARANDREA DBA  
E & T ENTERPRISES

(CC&N/COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

AUGUST 3, 1995

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 7, 1995 AND AUGUST 8, 1995

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

  
James Matthews  
EXECUTIVE SECRETARY

JM  
Enc.

CC: ALL PARTIES

1                   **BEFORE THE ARIZONA CORPORATION COMMISSION**

2   RENZ D. JENNINGS  
3       CHAIRMAN  
4   MARCIA WEEKS  
5       COMMISSIONER  
6   CARL J. KUNASEK  
7       COMMISSIONER

8   IN THE MATTER OF THE APPLICATION OF )  
9   EMILIO A. ONOFRIO AND ANTHONY J. )  
10   SARANDREA DBA E & T ENTERPRISE FOR )  
11   A CERTIFICATE OF CONVENIENCE AND )  
12   NECESSITY TO PROVIDE CUSTOMER- )  
13   OWNED PAY TELEPHONE SERVICE )  
14   IN THE STATE OF ARIZONA. )

DOCKET NO. U-2917-95-178

DECISION NO. \_\_\_\_\_

**OPINION AND ORDER**

10   DATE OF HEARING:       July 14, 1995

11   PLACE OF HEARING:     Phoenix, Arizona

12   PRESIDING OFFICER:    Barbara M. Behun

13   APPEARANCES:         Mr. Anthony J. Sarandrea, co-owner of E & T Enterprise; and  
14                           Mr. Bradford A. Borman, Staff Attorney, Legal Division, on behalf of  
15                           the Utilities Division of the Arizona Corporation Commission.

16   **BY THE COMMISSION:**

17       On May 2, 1995, Emilio A. Onofrio and Anthony J. Sarandrea dba E & T Enterprise  
18   ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a  
19   Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide customer-owned pay  
20   telephone ("COPT") service in Arizona. On May 4, 1995, the Commission's Utilities Division Staff  
21   ("Staff") filed a Staff Report recommending that this matter be consolidated with other similar  
22   applications and set for hearing pursuant to A.A.C. R14-2-903(B)(1). By Procedural Order dated May  
23   22, 1995, a consolidated hearing was scheduled for July 14, 1995 at the Commission's offices, 1200  
24   West Washington Street, Phoenix, Arizona. The Applicant provided notice of the application and  
25   hearing by posting notice in a public place located at the Applicant's COPT locations. Applicant, a  
26   partnership, was represented at the hearing by its co-owner, Anthony J. Sarandrea, and Staff appeared  
27   through counsel. At the conclusion of the public hearing, the matter was adjourned pending  
28   submission of a Recommended Opinion and Order by the Presiding Officer to the Commission.

1                   \*    \*    \*    \*    \*    \*    \*    \*    \*    \*    \*    \*    \*

2           Having considered the entire record herein and being fully advised in the premises, the

3 Commission finds, concludes, and orders that:

4                                   **FINDINGS OF FACT**

5           1.       On May 2, 1995, Applicant filed with the Commission an application for a CC&N to

6 provide COPT service in the State of Arizona.

7           2.       In Decision No. 55817 (December 10, 1987) the Commission found that COPT

8 providers were public service corporations subject to the jurisdiction of the Commission.

9           3.       The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901

10 through R14-2-909 to regulate COPT providers.

11           4.       In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff

12 which establishes rates and minimum service standards applicable to COPT service.

13           5.       Pursuant to A.A.C. R14-2-905, a COPT provider can elect to utilize the streamlined

14 procedure for obtaining a Certificate and thereby agrees to operate under the Generic Tariff rates and

15 minimum service standards for pay telephone service.

16           6.       Applicant is proceeding under the streamlined procedure for obtaining its Certificate

17 and has elected to provide COPT services in compliance with the Generic COPT Tariff.

18           7.       Applicant is a partnership.

19           8.       Applicant provides COPT service from two payphones located in the federal court

20 building in Phoenix, Arizona.

21           9.       Applicant provides end-users with 0+, 1+, local, calling card, long distance service, and

22 operator assisted calls. A five minute time limit is allowed on local calls.

23           10.      Staff recommends that the application for a CC&N be approved.

24                                   **CONCLUSIONS OF LAW**

25           1.       Applicant is a public service corporation within the meaning of Article XV of the

26 Arizona Constitution and A.R.S. §§40-281 and 40-282.

27           2.       The Commission has jurisdiction over Applicant and the subject matter of the

28 application.

3. Notice of the application was given in accordance with the law.
4. The provision of COPT service in Arizona by Applicant is in the public interest.
5. Applicant is a fit and proper entity to receive a CC&N for providing COPT service in Arizona.
6. Staff's recommendation in Finding of Fact No. 10 is reasonable and should be adopted.

### ORDER

IT IS THEREFORE ORDERED that the application of Emilio A. Onofrio and Anthony J. Sarandrea dba E & T Enterprise for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona be, and the same is, hereby granted.

IT IS FURTHER ORDERED that Emilio A. Onofrio and Anthony J. Sarandrea dba E & T Enterprise shall comply with the terms of the Generic COPT Tariff, unless otherwise ordered by the Commission, pursuant to A.A.C. R14-2-906.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
JAMES MATTHEWS  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
BMB\kjh

SERVICE LIST FOR:

EMILIO A. ONOFRIO AND ANTHONY J. SARANDREA  
DBA E & T ENTERPRISE

DOCKET NO.:

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